

### REMARKS

Reconsideration of the application is requested in view of the above amendments and the following remarks. Claims 1 and 5 have been amended. Support for the amendments are provided by at least Figures 3-5 and the description at page 5 of the present application. New claims 13-20 have been added and are also supported by at least Figures 3-5 and the description at pages 4-6 of the present application. No new matter has been added.

#### § 102 Rejection

Claims 1-6, 9 and 12 were rejected under 35 U.S.C. § 102(b) as being anticipated by Bader (U.S. 1,042,750). Applicants respectfully traverse this rejection.

Bader discloses a lamp having a hollow conical-shaped lamppost 1 that supports a burner 2 and shade 3 at a top end of the stand. A tank 8 is positioned in the lower portion of the post and is coupled to the burner 2 via a pipe 5. The gas tank 8 is removable from the lamppost via an opening formed in a side wall of the lamppost. The opening is covered with a door 13 that is secured to the lamppost with a hinge connection and locked in a closed position with a lock 14. The door 13 moves through a lateral or horizontal pivot motion between open and close positions.

Bader fails to disclose "a panel member coupled to the stand member and vertically movable between a closed position covering the opening and an open position wherein the opening is accessible for inserting the fuel container into the recessed portion or removing the fuel container from the recessed portion," as required by claim 1. Because Bader discloses only lateral/horizontal movement of the door 13 between open and close positions, Bader fails to disclose every limitation of claim 1 and the claims that depend from it.

Bader also fails to disclose "the panel member is slidable between the open and closed positions," as required by claim 4. As discussed above, the door 13 disclosed by Bader is secured to the lamppost 1 with a hinge connection, and therefore does not slide between open and closed positions. Therefore, claim 4 is allowable for this additional reason.

Concerning claim 9, Bader discloses a lock 14 that locks the door 13 in a closed position. Bader fails to disclose a locking mechanism configured to lock the door 13 in an open position. Therefore, Bader fails to disclose every limitation of claim 9 for this additional reason.

#### § 103 Rejection

Claims 7, 8, 10 and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bader in view of Reese (U.S. 721,516). Applicants respectfully traverse this rejection.

Bader fails to disclose or suggest every limitation of claim 1 for at least those reasons discussed above. Reese fails to remedy the deficiencies of Bader as it relates to claim 1. Therefore, claims 7, 8, 10 and 11 are allowable for at least the reason they are dependent upon an allowable base claim.

The portable lamp disclosed by Reese includes an opening in a side wall thereof for access to a valve 38 on a fuel tank 36 positioned within a pillar 12 of the lamp. However, Reese fails to disclose or suggest a panel member that covers that opening to restrict access to the valve 38.

The pillar 12 disclosed by Reese includes an open top through which the fuel bottle 36 can be inserted. The open top is covered with an ornamental head 14. The head 14 includes a tubular skirt 18 that is telescoped onto the upper portion (designated 20) of the pillar 12. A support bar 22 is fixed transversely within the skirt 18 to provide both a support structure for holding the bottle 36 suspended within the pillar via a conduit 34, and also to provide a stop member that engages a top surface of the pillar 12 to hold the head 14 in a predetermined vertical position relative to the pillar 12. Reese fails to disclose or suggest that the head 14 (including the tubular skirt 18) is intended or capable of covering opening in the side wall of pillar 12. Reese also fails to disclose or suggest being able to insert the fuel bottle 36 through the opening in the side wall, or removing the bottle 36 from that opening in the side wall that provides access to the valve 38. Therefore, Reese clearly fails to remedy the deficiencies of Bader as it relates to claim 1.

Because Reese also fails to disclose or suggest a cover or door for an opening and a side wall of a stand member, Reese fails to disclose or suggest "a panel member extends around an outer circumference of a stand member," as required by claim 8. Therefore, claim 8 is allowable for this additional reason.

#### New Claims

New claims 13-17 are directed to a gas light assembly that includes an elongate stand member having an opening defined in a side wall thereof, and "a panel member coupled to the stand member and vertically slidable between a first vertical position covering the opening and a second vertical position at least partially removed from the opening to permit insertion or removal of the fuel container." Claim 13 further requires that the panel member extends around the circumference of the stand member. Applicants submit that the prior art of record fails to disclose or suggest such a vertically slidable panel member or a panel member that extends around a circumference of a stand.

Claims 18-20 are directed to a gas light assembly that includes an elongate stand member having a circular cross section and defining a cylindrical cavity sized to receive a fuel container. Claims 18-20 also require a panel member "having an internal diameter that substantially matches an outer diameter of the stand member, the panel member being vertically slidable relative to the stand member . . . between a first vertical position covering the opening and a second vertical position removed from covering opening to permit access to the cavity." Applicants submit to that the prior art of record fails to disclose a gas light assembly having such a panel member configuration. Therefore, Applicants submit that new claims 13-20 are in condition for allowance. Favorable consideration of the new claims is respectfully requested.

In view of the above, Applicants request reconsideration of the application in the form of a Notice of Allowance. If a phone conference would be helpful in resolving any issues related to this matter, please contact Applicants' attorney listed below at 612.371.5387.


Respectfully submitted,

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, Minnesota 55402-0903  
(612) 332-5300



Date:

June 21, 2005

  
Joshua N. Randall  
Reg. No. 50,719  
JNR:ae